

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NORMAN R. HOWARD,)	
)	
PETITIONER)	
)	
v.)	CRIMINAL No. 2:06-CR-103-DBH
)	(CIVIL No. 2:11-CV-191-DBH)
UNITED STATES OF AMERICA)	
)	
RESPONDENT)	

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On June 14, 2011, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on the petitioner's letter motion to vacate the revocation judgment. The petitioner filed his objection to the Recommended Decision on June 22, 2011. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

The Magistrate Judge made very clear to Mr. Howard what he needed to do in order to proceed, and he has not complied. Instead, he filed a document captioned "de novo review," asking for a lawyer, and he attached a 4-page letter addressed to the Clerk of Courts giving a version of his conduct totally at odds with what I was told at the hearing when I revoked his supervised release. Like

the Magistrate Judge, I am not going to entertain this new unsworn version, especially because it flies in the face of what he told me at the revocation hearing. When Mr. Howard decided not to contest the revocation petition at the beginning of the hearing and when his lawyer made some qualifications in what Mr. Howard was admitting, I made very specific inquiry as to whether Mr. Howard agreed with the significant factual assertions about what he had done. He had every opportunity then to give the version of events he is putting forward now, but he did not do so. Instead and most important, when I followed up on his lawyer's representation of what it was Mr. Howard agreed to, I asked Mr. Howard specifically if he uttered the threat of cutting the victim's face open along with accompanying hand gesture and Howard agreed that he did.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The petitioner's letter petition is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

DATED THIS 24TH DAY OF JUNE, 2011

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE